

1745

February 18, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of M. Zhang
Application No. 09/994,142
Filed November 26, 2001

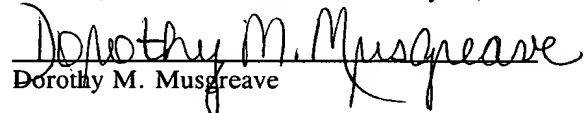
Examiner T. M. Dove
Group Art Unit 1745

USE OF LITHIUM BORATE IN NON-AQUEOUS
RECHARGEABLE LITHIUM BATTERIES

(Attorney Docket No. P24,841-A USA)

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any other papers indicated as being enclosed, is being deposited with the United States Postal Services, as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 18, 2004.


Dorothy M. Musgreave

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

The following is in response to the Notice of Non-compliant Amendment, mailed February 6, 2004, in which the Office advised that the claim amendments filed with the Amendment and Reply of January 14, 2004 were not compliant with 37 C.F.R. § 1.121 as each claim has not been provided with the proper status identifier.

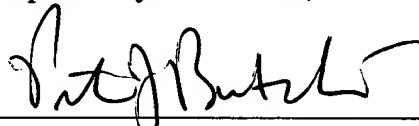
Claims 6 and 14 to 26 were cancelled, Claims 1, 2, 7 and 8 were amended, and new Claims 27 to 38 were added in the Amendment and Reply filed January 14, 2004. The listing of claims filed with such Reply did not indicate this. In view of this and the above-referenced Notice, a substitute Listing of Claims is provided herewith. Applicants note that the status indicators used in the present Listing of Claims reflect the status of the claims as of January 14, 2004.

Language has also been added to Claims 1 and 27 that was inadvertently omitted, and which identifies the recited lithium insertion compounds as the cathode. It is clear from the remarks submitted with the Amendment and Reply of January 14, 2004 that the omitted language was intended to be included with Claims 1 and 27, as amended therein.

The non-compliant amendment was presented in a Reply to a non-final Action and the Reply was a *bona fide* attempt under 37 C.F.R. §1.135(c) to advance the prosecution of the application. As the present Reply to Notice of Non-compliant Amendment is being filed within one month from the issuance of the above-referenced Notice, no fees are required. Entry of the replacement Listing of Claims is therefore respectfully requested.

Favorable reconsideration and a prompt Notice of Allowance are solicited earnestly. In the event any issues remain outstanding, the Examiner is requested to call the undersigned at the telephone number listed below.

Respectfully submitted,



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